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# POLICE USE OF FORCE

## Addressing Community Racial Tensions

The Community Relations Service (CRS), an agency of the U.S. Department of Justice, is the Federal government's "peacemaker" for community conflicts and tensions arising from differences of race, color and national origin. Created by the Civil Rights Act of 1964, CRS is the only Federal agency whose purpose is to assist State and local units of government, private and public organizations, and community groups with preventing and resolving racial and ethnic tensions, conflicts, and civil disorders, and in restoring racial stability and harmony.

When and how to use force is one of the most difficult and controversial decisions a police officer will make in the course of his or her duties. This decision, made in a matter of seconds and often without complete information, can have serious and far-reaching consequences.

Where there are good police-community relations and high confidence within the minority community in the integrity and accountability of the police department, a use of force incident may result in little turmoil. However, in communities where there is a lack of

confidence between police and minority residents and a perception that complaints about police misconduct will not be addressed fairly, no issue can be more racially explosive or more easily lead to violent disturbances. Under these circumstances, what can communities and police departments do to ease racial tensions, open lines of communication, and rebuild trust?

Our more than 35 years of experience in working with racial conflict and violence have taught us that community stability and safety can be secured for everyone when police and residents join together in cooperative efforts to build trust and confidence. There are specific steps which can be taken to reduce the prospect of turmoil following a use of force incident. Over the longer term, there are also policies and practices which can be put into place that will help to improve the underlying conditions of police community relations.

City officials, police executives, and community leaders can take some practical steps to prevent community racial conflict associated with police use of force incidents and to improve police policies and practices. Examples of CRS assistance to local communities can be found in this publication.

## Potential Flash Points

Whenever there is an incident of police use of force, especially one involving the death of a person of color or distinctive ethnic origin, a predictable set of flash points follows. Each flash point potentially can lead to conflict, violence, and disorder. However, when police, officials, and community leaders take timely and appropriate preventive action, community peace can be secured and maintained. How communities react to these flash points also will be influenced by other variables, such as the existing climate of police community relations, the nature and circumstances of the use of force incident, media coverage and rumors.

### Flash Point: Initial Incident

There are certain predictable flash points that commonly occur after a police use of force incident. Whenever an incident involves a police shooting or use of force, officers must be aware that their actions are not viewed in vacuum. There are usually witnesses to an incident. How the incident is perceived will be subject to many interpretations. When distrust between police and the community is present, any police action will be subject to suspicion and scrutiny.

### Flash Point: Initial Law Enforcement Response

What the first responding officers to the incident do upon arriving on the scene is crucial to maintaining community peace and preserving the scene for investigators. The department's standard operating procedure for response to police shootings and use of force situations must be immediately implemented.

Press announcements should be carefully drafted to avoid derogatory remarks about a suspect, victim, or community. Premature unsubstantiated judgement of police actions by the department can undermine the public's perception of fairness and objectivity.

An expression of concern by officials about the loss of life, directly communicated to members of the victim's family and community leaders, will help minimize community tensions. A public announcement of the department's investigation process assures the public that an orderly investigation and objective review of the incident will be conducted.

### Flash Point: Media Coverage

Press coverage can affect the level of community tension following a police incident. A straightforward objective statement of non-confidential information by the Department can go a long way in assuring the public that the situation is under control. This statement should contain the circumstances that preceded any police response and the process for and resources allocated to the investigation. These steps will help head off potentially inflammatory rumors.

### Flash Point: Protest Rallies and Marches

Protest rallies and marches allow the community to express its frustration and anger about an incident and can be beneficial safety valves to lower tensions. They also serve as opportunities for people to express their grief and anguish. Plans can be developed which provide for community protest and also protect the peace and harmony of the participants and community at large.

*New York, NY - Following the shooting of an unarmed African immigrant, CRS worked as a liaison between police and event organizers. CRS also worked with Federal, state and local officials on safe crowd management and ground rules for demonstrations, thereby minimizing the possibility of violence. Additionally, CRS trained community groups in self-marshaling techniques and provided conciliation services for disputes which arose during the demonstration.*

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Flash Point: Investigations

There should be no rush to judgement, but a full and complete investigation governed by an established protocol. Coordinating appropriate law enforcement agencies at all levels, including investigators and prosecutors, can help assure the fairness of the investigation and gain public confidence in the outcome.

In 1998, the National District Attorneys Association and the U.S. Department of Justice entered into a Memorandum of Understanding for Federal, State and local law enforcement agencies to implement a model protocol for the joint investigation of “color of law and hate crime cases.”

CRS can help law enforcement officials meet with family and community members to advise them about the process and progress of law enforcement investigations.

Coatesville, PA - When there was a threat of widespread disruption following a fatal police shooting involving an African American man by a white police officer, CRS, at the request of the District Attorney and City Manager, helped convene a community meeting with law enforcement officials, clergy, and city officials immediately after the shooting. The meeting helped dispel rumors and explain the status of the investigation. CRS mediated discussions among law enforcement, the city, and community groups. During the investigation, CRS conducted an assessment of potential community tensions in the event that the District Attorney determined there would be no criminal prosecution.

An explanation of the resources allocated to the investigation, as well as the limitations of the law, helps to alleviate a potentially destructive community reaction.

Springfield, MA - The shooting death of an African-American youth by a police officer was followed by a series of angry protests, demonstrations, and heightened racial tensions. At a community meeting convened by the Urban League, CRS arranged for a clear explanation of the investigatory and legal processes and the options available to the victim's family and community. The meeting helped to defuse anger, and afforded an opportunity for the media to report the proceedings to the public at large.

Flash Point: Results of Investigations

The results of a coroner's inquest, grand jury findings, police internal affairs investigation, and prosecutor's finding may increase community tension levels. How the information is explained and made public has a great impact on reducing the potential for community disruption.

New Brunswick, NJ - Following the shooting of a young African American woman by a white police officer, the local prosecutor, the U.S. Attorney, and the Civil Rights Division engaged in a joint grand jury investigation. After the county prosecutor determined that the police officer had acted in self-defense, and the Civil Rights Division concluded that the case could not be successfully prosecuted under Civil Rights laws, CRS convened a meeting with the victim's family, community leaders, ministers, police department officials, the mayor, representative from the local U.S. Congressman's office, the Civil Rights Division and U.S. Attorney representatives, to brief the partners prior to the public announcement of the decision. As a result of this meeting, the announcement was received by the community without incident.

CRS also keeps lines of communication open between officials and community leaders, meeting with all parties before and after public reports of official investigations.

Leland, MS - An investigation of a shooting death of an African American man after a traffic stop determined that the facts did not warrant prosecution of the police officer. Prior to the public announcement of this controversial decision, CRS arranged for a briefing by the prosecutor for the family and community leaders, including an opportunity for questions. As a result, community tensions were reduced.

CRS assists local communities to develop contingency plans for the safe expression of public sentiments prior to the announcement of investigation reports, especially when the basis for the decisions is disputed.

Flash Point: Youth Response

How youth react to a police use of force incident may be critical to community stability. Specific outreach efforts should be directed to youth in the immediately affected community. The danger of civil unrest can thereby be reduced and steps can be taken in building positive relationships among youth, adults, and police.

Kansas City, MO - A shooting of a young African American man by a police officer led to a mass gathering of youth who taunted and hurled rocks, bottles and other missiles at police arriving at the scene following the shooting. The adult residents were unable to curtail the violent response. Tensions were still volatile upon the arrival of CRS mediators, who began communication with the youth in a series of street meetings. CRS arranged constructive discussions of their issues with the police, city officials, and other community members. The tension levels were lowered, and further violence and property destruction were averted.

Flash Point: Collateral Incidents

Preventive measures should be taken to avoid incidents that might ignite further conflicts during the course of an investigation. During such times, sensitivities and vulnerabilities are heightened.

Fort Yates, ND - CRS helped police and tribal leaders of the Standing Rock Reservation address concerns over the death of a young Native American in the custody of the Bureau of Indian Affairs (BIA) police. The victim's family had complained about the law enforcement practices, raising concerns that his death may have occurred in retaliation to the family's initial complaints to the police about his treatment. CRS secured BIA's agreement to assess community concerns and initiate an investigation. Law Enforcement officials advised the family and community members about the investigation. This resulted in the dismissal of an officer and the establishment of a strong policy against the harassment of complainants.

Flash Point: Trial or Court Decision

Los Angeles, CA - In times of heightened tensions and distrust of government agencies, CRS encourages and advises local officials to undertake detailed contingency planning, as was taken during the second jury trial of the police officers in the Rodney King case.

When local community tensions are heightened by the announcement of jury verdict or court decision, CRS serves as a troubleshooter, resolving spontaneous conflicts "on the ground," helping to control rumors with accurate information, and serving as an impartial resource for all of the parties.

Comprehensive contingency planning can mobilize law enforcement, city officials, civic leaders, the media, and the leadership of the affected communities around the common interest of averting violence. CRS can facilitate briefings for community leaders by legal experts who explain the legal process and potential outcomes, building community trust and confidence in the justice system. When CRS receives advance notice of verdicts, it helps communities prepare for community reaction. Following public announcement of verdicts, CRS can be on-site to serve as a communication link between police and the community.

Police-Community Problem Solving

Through its mediation process, CRS channels community tensions and anger into a constructive discussion of other issues that often surface after a use of excessive force incident. Police may review community concerns regarding its “use of force” policy, workforce diversification, minority officer recruitment, hiring and selection criteria, training programs on race relations and diversity, promotion of minority officers, and creation of permanent mechanisms for improved police and community dialogue.

Cincinnati, OH - CRS mediation efforts following the shooting death of an African American man resulted in a mediation agreement with the City of Cincinnati and various civil rights and religious groups, which included establishing a civilian oversight panel, appointing a civilian director of the police training academy, and developing an improved civilian complaint data base and tracking system.

While issues regarding the specific incident must be addressed, attention should also be given to broader underlying concerns which often are at the root of community frustration and conflict. Departmental policies on the use of force and the use of deadly force, including firearms policy and use of restraints may be reviewed by a community coalition. A coalition of

leaders can be formed to address how to achieve better police community relations. Community input should be solicited during this review, including requests for public comment and discussion. Communities should know the various options that are available at the Federal, state, and local levels to address concerns over police use of force, use of deadly force, and allegations of excessive use of force.

Portland, OR - Following the death of an African American man from a carotid-artery (choke) hold by a police officer, CRS mediation provided an opportunity to discuss police restraint techniques which led to changes in policies regarding the use of force, specifically stopping the usage of choke holds.

Federal Laws

Federal Criminal Enforcement. This law prohibits one or more persons from willfully acting under color of law to deprive or conspire to deprive another person of any right protected by the Constitution or laws of the United States. (18 U.S.C. §§ 241, 242).

Federal Civil Enforcement.

Ukiah, CA - Following the shooting death of an emotionally disturbed African American man, CRS mediated sessions with the community citizens group, local government and police. These sessions resulted in the implementation of procedures, protocols, and training for appropriate police response to mentally unstable citizens, thus resolving many community concerns about police activities.

“Police Misconduct Provision” - This law prohibits State or local law enforcement officers from engaging in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the

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assistance to efforts to establish “places and spaces” for candid race relations discussions.

**“Title VI of the Civil Rights Act of 1964 and the ‘OJP Program Statute’”** - Together, these laws prohibit discrimination on the basis of race, color, national origin, sex, and religion by State and local law enforcement agencies that receive financial assistance from the Department of Justice. (42 U.S.C. §2000d, et swq. And 42 U.S.C. §3789d(c)).

## CRS Mission

In accordance with Title X of the Civil Rights Act of 1964, 42 USC §2000g, CRS seeks to prevent or resolve community conflicts and tensions arising from actions, policies, and practices perceived to be discriminatory on the basis of race, color, or national origin. CRS provides services, including conciliation, mediation, and technical assistance, directly to communities to help them resolve conflicts that tear at the fabric of our increasingly diverse society.

## CRS Strategic Goals in Use of Force Situations:

- To establish bridges between minority groups and law enforcement organizations in order to improve relations and community safety, and to reduce the potential for community conflict.
- To improve the preparedness of communities to respond to civil unrest, including activities by hate groups, through the provision of training, contingency planning, and technical assistance.
- To provide a high caliber of conflict resolution and prevention services to those communities most vulnerable to significant race relations tensions, conflicts, and violence.
- To build enhanced dispute resolution capabilities in local communities, including high schools, colleges and universities, so that local institutions will be able to resolve their own conflicts without external assistance.
- To create opportunities and mechanisms for constructive civic discourse on issues of race and ethnicity. CRS helps give national leadership and

## Services Provided to Communities

When police use of force incidents increase community racial tensions, CRS conducts a thorough assessment to determine appropriate assistance. CRS meets with elected officials and community leaders, analyzing a variety of indicators, including the causes of the tensions, the potential for violence or continued violence, determining the level of communication among the parties and their interest in working together.

**Mediation and Conciliation.** Mediation and conciliation are two techniques used by CRS to help resolve police-community tensions arising from police use of force incidents. CRS conciliators provide an impartial forum between representatives of community groups and local government leaders to hold an orderly discussion of the issues. CRS establishes with the parties mutually agreed upon ground rules and guidelines for a dialogue.

**Technical Assistance.** CRS assists local officials and community leaders with developing and implementing policies, practices, and procedures to help residents, organizations, and officials ease tensions and end conflicts.

**Training.** CRS conducts training sessions and workshops on cross-cultural and diversity issues, and police minority community relations. CRS also trains police on ways to work with minority communities in racially charged situations, and to increase cooperation in areas such as identifying witnesses.

**Event Contingency Planning.** CRS provides technical assistance in contingency planning to ensure that marches, demonstrations, and similar events occur without exacerbating racial and ethnic tensions, while minimizing the prospect of any confrontations. CRS trains volunteers to carry out services such as providing

information sharing, rumor control, demonstration marshals, and communication links with law enforcement agencies.

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CRS Offices

Community Relations Service

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Fax: 202/302-3009

Regional Offices and States Within Each Region

Region I - New England

408 Atlantic Avenue, Suite 222
Boston, MA 02110
Tel: (617) 424-5715
Fax: (617) 424-5727
Servicing: CT, MA, ME, NH, RI, VT

Region II - Northeast

26 Federal Plaza, Suite 36-118
New York, NY 10278
Tel: (212) 264-0700
Fax: (212) 264-2143
Servicing: NJ, NY, PR, VI

Region III - Mid-Atlantic

2nd and Chestnut Streets, Suite 208
Philadelphia, PA 19106
Tel: (215) 597-2344
Fax: (215) 597-9148
Servicing: DC, DE, MD, PA, VA, WV

Region IV - Southeast

75 Piedmont Avenue, NE, Suite 900
Atlanta, GA 30303
Tel: (404) 331-6883
Fax: (404) 331-4471
Servicing: AL, FL, GA, KY, MS, NC, SC, TN

Miami Field Office - Region IV

51 SW First Avenue, Suite 624
Miami, FL 33130
Tel: (305) 536-5206
Fax: (305) 536-7363

Region V - Midwest

55 West Monroe Street, Suite 420
Chicago, IL 60603
Tel: (312) 353-4391
Fax: (312) 353-4390
Servicing: IL, IN, MI, MN, OH, WI

Detroit Field Office - Region V

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Fax: (313) 225-2568

Region VI - Southwest

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Dallas, TX 75247
Tel: (214) 655-8175
Fax: (214) 65-8184
Servicing: AR, LA, NM, OK, TX

Houston Field Office - Region VI

515 Rusk Avenue, Suite 12605
Houston, TX 77002
Tel: (713) 718-4861
Fax: (713) 718-4862

Region VII - Central

1100 Main Street, Suite 1320
Kansas City, MO 64106
Tel: (816) 426-7434
Fax: (816) 426-7441
Servicing: IA, KS, MO, NE

Region VIII - Rocky Mountain

1244 Speer Blvd., Suite 650
Denver, CO 80204-3584
Tel: (303) 844-2973
Fax: (303) 844-2907
Servicing: CO, MT, ND, SD, UT, WY

Region IX - Western

888 South Figueroa Street, Suite 1880
Los Angeles, CA 94105
Tel: (213) 894-2941
Fax: (213) 894-2880
Servicing: AZ, CA, GU, HI, NV

San Francisco Field Office - Region IX

33 New Montgomery Street, Suite 1840
San Francisco, CA 94105
Tel: (415) 744-6565
Fax: (415) 744-6590

Region X - Northeast

www.usdoj.gov/crs

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## CRS Customer Service Standards

Our goal is to provide sensitive and effective conflict prevention and resolution services. You can expect us to meet the following standards when we work with you:

- We will clearly explain the process that CRS uses to address racial and ethnic conflicts and our role in that process.
- We will provide opportunities for all parties involved to contribute to and work toward a solution to the racial or ethnic conflict.
- If you are a participant in a CRS training session or conference, you will receive timely and useful information and materials that will assist you in preventing or minimizing racial and ethnic tensions.
- We will be prepared to respond to major racial or ethnic crisis situations within 24 hours from the time when your community notifies CRS or CRS becomes aware of the crisis.
- In non-crisis situations, we will contact you within three days of when your community notifies CRS or CRS becomes aware of the situation to discuss your request for CRS services.

## CRS Publications

*These publications are available free of charge:*

- ~ CRS Fact Sheet
- ~ Police Use of Deadly Force: A Conciliation Handbook for Citizens and the Police
- ~ Principles of Good Policing: Avoiding Violence Between Police and Citizens
- ~ Avoiding Racial Conflict: A Guide for Municipalities
- ~ Police and Urban Youth Relations: An Antidote to Racial Violence
- ~ Planning for Safe Marches and Demonstrations
- ~ Responding to Incidents Involving Allegations of Excessive Use of Force: A Checklist to Guide Police Executives
- ~ So...You're a Demonstration Marshal
- ~ Managing Major Public Events: A Planning Guide for Municipal Officials, Law Enforcement, Community Leaders, Organizers, and Promoters

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